UNITED STATES DISTRICT COURT DISTRICT OF SOUTH CAROLINA ROCK HILL DIVISION

Mack Neil Myers, #241427,

Petitioner,

JUDGMENT IN A CIVIL CASE

VS.

Case Number: 0:09-738-HMH

State of South Carolina; and Warden of Perry Correctional Institution

Respondents.

[X] Decision on the Record. This action came before the court on the record, The Honorable Henry M. Herlong Jr., United States District Judge, presiding. The Court having adopted Magistrate Judge Paige J. Gossett's Report and Recommendation to dismiss,

IT IS ORDERED AND ADJUDGED that the Petitioner shall take nothing of the

Respondents and the petition is dismissed without prejudice and without requiring a response from the Respondents.

LARRY W. PROPES, Clerk

By: s/Angie Snipes
Deputy Clerk

May 11, 2009